

13 OCT 1976

MEMORANDUM FOR: Chief, Information Services Staff *603*

FROM :
Deputy Chief, Information Services Staff

SUBJECT : Proposed Guidelines for Declassification
Review of 1946 - 50 Records.

REFERENCE : Memorandum from to IRC Members
Same Subject, dated 4 October 1976, and
Attachments.

1. C/IMG and I have reviewed the proposed guidelines for declassification review of records for the period 1946-50 and recommend that the DDO accept the guidelines as now written. As you are aware we had the opportunity to review the guidelines in draft and had only one or two comments to make. We also had reviewed the DDI's comments; those DDI suggestions which we supported have all been incorporated in the revised document.

2. In his transmittal memorandum (attached to reference) the Chief/IPS argues against our recommendation that estimative material produced prior to the formation of ONE should be reviewed by the State Department. Paragraph eight on page four of the guidelines states that such material is "generally releasable". This is probably true, but the "legislative record" of the guidelines should record the expectation that where such review seems appropriate, foreign policy-related information will be referred to the State Department for review prior to release. We suggest the revision of recommendation 4.c. to read: "indicate that in handling generally releasable estimative material declassification personnel should be alert to the possible desirability of selective State Department review of materials with potentially significant foreign policy implications".

3. In paragraph 3.e. of his memorandum the Chief/IPS refers to centralization of the review function and in paragraph 3.f.(1) on the same page he agrees that it is

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logical for the DDO to have a "strong role in the selection of personnel who will review DDO records." The recommendations in paragraph four do not pick up this centralization theme but in recommendation 4.b. the DDO's "strong voice" in the selection of reviewers handling DDO documents is mentioned. It will be unfortunate, we believe, if these references were permitted to become, by inference, the basis for a claim that the DDO had agreed to centralization at the Agency level or to the idea that personnel from other directorates might handle the declassification of DDO documents. Our experience with our new Classification Review Branch may convince us that centralization at the directorate level is preferable. At this stage it is important to keep our options open. The record should contain a clear indication but this question of centralization is subject to further discussion and that wherever the process is carried out DDO personnel should process DDO documents. We suggest that recommendation 4.b. be revised to state: "reassure the DDO that assignment of personnel to review DDO documents will be subject to the approval of the DDO."

25X1

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Central Intelligence Agency

GUIDELINES FOR DECLASSIFICATION OF CIA AND PREDECESSOR ORGANIZATION RECORDS FOR THE PERIOD 1946 THROUGH 1950

General

The only Agency documents 30 years old or older that will be protected through classification will be those specifically identified, in writing, by the Director of CIA as needing continued protection. The task of Agency reviewers of 1946-1950 materials for which the CIA has classification jurisdiction is to identify for the DCI those individual items requiring protection so that the DCI can then certify lists of such items to the Archivist of the United States in line with E.O. 11652.

Agency reviewers will keep in mind the transitional nature of the 1946-1950 period for U.S. intelligence. While the SSU was clearly a vestige of the wartime OSS, thereby meriting some of the same declassification considerations as applied to COI and OSS information and materials through 1945, it also constituted the nucleus of centralized intelligence organization and activity in the postwar "peace" which rapidly became the Cold War. Whereas OSS records could be reviewed in a prosecution-of-the-war context, with considerations heavily weighted in favor of release, the 1946-1950 records are much more a part of the U.S. intelligence continuum wherein current and future equities can be affected by declassification of earlier materials.

The decision to retain classification

There are only two criteria provided by the Executive Order for continuing an item in classified status beyond 30 years, namely: (a) continued protection is essential to the national security, and/or (b) disclosure would place a person in immediate jeopardy. While this contrasts in number with the four criteria of Sec. 5(B) of the same Order for exempting items less than 30 years old from the General Declassification Schedule, it is clearly the intent of the Order that it is "essential to national security" to protect beyond 30 years:

25X1

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Classified information or material furnished by foreign governments or international organizations and held by the United States on the understanding that it be kept in confidence. [Sec. 5(B)(1)]

Classified information or material specifically covered by statute, or pertaining to cryptography, or disclosing intelligence sources or methods. [Sec. 5(B)(2)]

Classified information or material disclosing a system, plan, installation, project or specific foreign relations matter the continuing protection of which is essential to the national security. [Sec. 5(B)(3)]

The second criterion under Section 5(E) is obviously the same as the last of the four criteria of Section 5(B):

Classified information or material the disclosure of which would place a person in immediate jeopardy. [Sec. 5(B)(4)]

The judgment of "immediate jeopardy" by reviewing officers will continue to be made on the basis of the more narrow definitions of physical, legal or severe political jeopardy, not that of political or social embarrassment.

Although the Order does not so state, Agency reviewers will use the letter "A" to indicate on the Declassification Review Worksheet (Form 3712) that the reason for protection is that of national security interests, and "B" that the reason is that of placing a person in immediate jeopardy. For purposes of shorthand ease in further identifying the nature of the national security interest involved, the Agency's Form 3712 provides a column headed "EXCAT" (exemption category) which should be filled in with the appropriate number(s) 1, 2 and/or 3 from Section 5(B).

Protection deriving from statute

The Director is charged by the National Security Act of 1947 with the protection against unwarranted disclosure of intelligence sources and methods. Reviewing officers will familiarize themselves with the DCI's "Aspects of Intelligence Sources and Methods of the Central Intelligence Agency

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That Require Protection from Unauthorized Disclosure," classified Secret and dated 12 January 1976. While that document has a contemporary focus, much of its categorization and detail can be applied to intelligence activity of 30 years ago. As the most definitive statement officially issued on the subject to date, it should be treated as an interpretative annex to these guidelines.

The Director's responsibility regarding protection of sources and methods is reiterated in the CIA Act of 1949 and further amplified to exempt the Agency from any legal requirement for the publication or disclosure of the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency. The language of the CIA Act regarding these areas makes retention of classification thereof optional, not mandatory. Reviewers will draw heavily on specific declassification precedents as available and to be developed.

Applicability

These guidelines are for use by CIA officers specifically charged with the declassification review of information and materials dated 1946-1950 for which the CIA and its predecessor organizations -- the SSU and the CIG -- exercised exclusive or final original classification authority. Although some of this material is already 30 years old, and therefore technically subject to declassification by the Archivist of the United States, most of the records can yet be reviewed prior to their reaching 30 years, as prescribed by the Executive Order.

Reviewers will apply these guidelines to such documents and materials wherever located -- National Archives, Records Centers, Presidential Libraries, etc., as well as CIA's own facilities. Likewise, reviewers will use these guidelines in the protection of CIA interests in the documents and materials of other agencies, wherever those documents and materials might be held.

These guidelines do not apply to the information and materials of other agencies, nor to the interests and equities of other agencies which might be found in documents originated by the CIA or its predecessor organizations. In all of these cases, the items in question should be identified for appropriate review by the agency or department of concern.

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Precedents for declassification of 1946-1950 records

Experience of CIA officials reviewing classification of 1946-1950 records, under either the mandatory review provision of E.O. 11652 or the Freedom of Information Act, is pertinent to the program of systematic review contemplated by these guidelines. The following areas of past decision shall be considered precedents for those engaged in the systematic review:

a. The organizational structures of the SSU, CIG and CIA at the headquarters level during 1946-1950 can be declassified except for component breakdowns of those predecessor elements of the present DDO.

b. The fact of presence and activity abroad by the SSU, CIG, and CIA is not sensitive, but the details of location, organization, cover, staffing and activity abroad are usually to be protected.

c. The functions and missions of the SSU and CIG are not generally sensitive when broadly described, but are sensitive when related to particular areas and circumstances or to specific capabilities and intentions.

d. The functions of the CIA in the 1946-1950 period tend to be more sensitive than those of the SSU and CIG, particularly with the assignment of covert action by the NSC. Covert action program details are to be protected except where prior official disclosure clearly dictates otherwise.

e. Names and official titles of personnel in SSU, CIG and CIA during 1946-1950 are generally protected up through Division Chief in the DDO and Office Director elsewhere, with selective exceptions based on prior disclosure, cover and operational considerations.

f. Numbers of employees and size of budgets are protected, as should be any other quantitative factor indicating scope or thrust of the intelligence effort of the period.

g. Estimative material published prior to the formation of the Office of National Estimates on 13 November 1950 is generally releasable.

h. Situation and analytical reporting of the period is generally releasable if sensitive sourcing is not stated or otherwise identified.

SSU and CIG reports are generally releasable except for disclosures of sources and methods, including sensitive foreign liaison relationships. CIA field reports must be shorn of the source line, field report number and place acquired in order to be releasable.

25X1

k. Pseudonyms, cryptonyms and codewords are part of intelligence methodology, causing need for classification on documents containing such.

Period of continued classification

See List
Executive Order 11652 charges the head of the Department with determining not only the need for protection through classification but also the period of continued classification required on each item of material reaching 30 years. The DCI obviously must rely on Agency reviewers of the 1946-1950 material for both these matters. The completed Form 3712 will in all cases other than liaison show a year in the last column (Automatically Declassified on 31 December ____), although in some cases reviewers may deem it necessary to amend the column heading to read, "Re-review on 31 December ____."

Decisions on periods of time for protection will be made within the following framework, with the understanding that time periods stated are outside limits which should be compressed wherever and whenever possible in light of the particular substance of the material under review. These periods are given from the year of origin of the classified item, using the categories of the Director's 12 January 1976 determination on "Aspects."

<u>Category</u>	<u>SSU</u>	<u>CIG</u>	<u>CIA</u>
Personnel/Cover	75	75	75
Defectors	50	60	75
Security/Contracts	50	60	75
Finance	50	60	75
General Intelligence	30	30	30
Operations	50	60	75
Foreign Liaison*	L	L	L
Communications	50	50	50
Science and Technology	50	50	50
Research and Development	50	50	50
Named Relationships	50	50	50

5 **CONFIDENTIAL**

- * Declassification of information or materials received from foreign liaison can only be done as authorized by the liaison service involved. For this category, an "L" in the last column of Form 3712 signifies a lack of authorization from the liaison service regarding declassification. If there should be reasons of CIA's own concern warranting continued classification, over and above the fact of liaison origin, an "A" or "B" should be shown in the "Reason" column. The "Remarks" column may be used to emphasize or elaborate on the need for either the concurrence of the liaison service or the protection of CIA's own interests and equities.

Classification review actions

Reviewing officers will take the following actions in line with these guidelines on the handling of classified information and materials of the 1946-1950 period:

- a. Where there is no need for continued protection under Section 5(E), the item should be declassified and, eventually, so marked to show the date and authority by which this action was taken.
- b. Where need for continued protection under Section 5(E) exists, the item should be examined for the level of classification required. Unless the reviewer notes otherwise, all documents to be certified as requiring classification status beyond 30 years will be retained at the Confidential level. (This downgrading of Top Secret and Secret items need not be shown on the individual items until such time as they are withdrawn from archival holdings for whatever reason.)
- c. In all cases where a need exists under Section 5(E) for continued security classification, that decision will also be entered onto CIA Form 3712 for eventual consolidation and certification by the Director to the Archivist of the United States. The information provided on Form 3712 must include enough basic information to insure ease of identification for future retrieval either as an individual item or as part of a category or group of items in a computerized system. In this regard, the Agency has been advised that the Archivist can accept certain series of documents on the certification lists where an entire series clearly requires protection beyond 30 years.

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d. Reviewers, bearing in mind that much material can be segregated for release in sanitized form, should record on the Form 3712 any unique insights helpful to other reviewers later faced with the decision to release in part to a requester. Lacking such unique insights, reviewers need not cope with the segregability of an item for release.

e. Finally, reviewers will tab or otherwise note those documents or portions of documents found among CIA's holdings but requiring review by other agencies.

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